	Case 09-29123-mkn	Doc 1358	Entered 05	5/27/21 16:42:34	Page 1 of 10
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Jeffrey S. Allison (NV Bahouser LLP 9970 Research Drive Irvine, California 92618 6671 S. Las Vegas Blvd. Building D, Suite 210 Las Vegas, Nevada 89119 Phone: (949) 679-1111 Fax: (949) 679-1112 jallison@houser-law.com Attorneys for PHH MORT LLC In Re: MELANI SCHULTE and WILLIAM R. SCHULTE, 2704 SATTLEY LLC, HOT ENDEAVOR LLC, 1341 MINUET LLC 1708 PLATO PICO LLC, 2228 WARM WALNUT I 9425 VALLEY HILLS LL 9500 ASPEN GLOW LLC 5218 MISTY MORNING CHERISH LLC, SABRECO INC., KEEP SAFE LLC, Debri	LC,	RPORATION,	Chapter 11 Jointly Administer O9-31585-MKN O9-27238-MKN O9-27910-MKN O9-27911-MKN O9-27911-MKN O9-27911-MKN O9-27913-MKN O9-27913-MKN O9-27914-MKN O9-27914-MKN O9-27914-MKN O9-27915-MKN O9-27915-MKN O9-27915-MKN O9-27916-MKN OFPHH TO DEI CONTEMPT FO AUTOMATIC ST INJUNCTION, F WITH A COURT CONFIRMED PI	EN LOAN SERVICING, RT
23				Date: June 9, 202 Time: 9:30 a.m. Judge: HON MIKE	1 (status hearing) E K. NAKAGAWA

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DECLARATION OF JEFFREY ALLISON, ESQ.

I am an attorney at law duly licensed to practice before the above-entitled court, and

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1.

I, Jeffrey S. Allison, declare as follows:

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am an attorney with the law firm of Houser LLP as counsel for PHH MORTGAGE CORPORATION, successor OCWEN LOAN SERVICING, LLC ("PHH"). I have personal

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knowledge of the facts set forth herein, except as to those on information and belief, and if called as

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a witness I could competently testify thereto.

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I am advised and a review of the certificate of service corroborates that Debtor's 2.

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another counsel as a courtesy. After review, PHH indicated our firm is being retained concerning

Motion was not served upon PHH. A copy had been recently forwarded to PHH last week by

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the Debtor's Motion on Monday, May 24, 2021 and I received the official referral the next day.

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Attached as Exhibit "1" is a true and correct copy of an e-mail I immediately sent to the Debtor's

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counsel of record on the same day regarding my retention and requesting an extended date for my

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client's response to the Motion. I also placed a telephone call to counsel the same day and left a

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similar message. Having not heard back from counsel, attached as Exhibit "2" is a true and correct

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copy of the Notice of Appearance and Request for Continuance I had filed later that day, on May

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24th. [Doc 1347].

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Ocwen Loan Servicing, LLC merged and has not existed as an entity since effective approximately June 1, 2019, nearly two years ago. Indeed, a two minute business search on the

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website for the Nevada Secretary of State would reveal the entity status for Ocwen Loan Servicing,

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LLC is cancelled. Although PHH is the successor, it was and remains a separate entity with a different loan servicing system. The loan that is the subject of the Motion was not serviced by and is

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not included in PHH's servicing system.

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4. I attended the initial hearing before this Honorable Court two days later, on May 26, 2021. I relayed the information set forth herein and requested additional time to file my client's response to Debtor's Motion before the next hearing. The Court set a status hearing for June 9, 2021. In that there may have still been some uncertainty in light of counsel's comments at the hearing, we filed my client's Opposition to the Motion the morning after hearing, on May 27, 2021. It is respectfully requested the Opposition be accepted as timely under these circumstances.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct and that this declaration was executed this 29th day of April, 2021.

/s/ Jeffrey S. Allison

EXHIBIT 1

Jeffrey S. Allison

From: Jeffrey S. Allison

Sent: Monday, May 24, 2021 10:35 AM To: 'atty@cburke.lvcoxmail.com'

Subject: In Re: Melanie & William Schulte - Motion for Contempt Sanctions (ECF 1334) -

Greetings re Retention & Request for Continuance

Importance: High

Mr. Burke,

We have just been retained this morning regarding the Schulte's Motion for Contempt (Doc 1334) by PHH Mortgage Corporation, successor to Ocwen Loan Servicing, LLC which no longer exists. The mailed 112-page Motion was also forwarded a few moments ago which I have not had an opportunity to read, but I see there is a hearing coming up in two days on May 26th. I also have three other hearings that morning.

Would you agree to a continuance of the motion hearing and opposition date to afford my client PHH/Ocwen an opportunity to respond?

Thanks,

Jeffrey S. Allison

Senior Attorney

HOUSER LLP

9970 Research Drive, Irvine, CA 92618 P: (949) 679-1111 F: (949) 679-1112

WWW.HOUSER-LAW.COM

Offices in Arizona, California, Connecticut, Massachusetts,

Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon & Washington

Admitted to Practice in California & Nevada.

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EXHIBIT 2

	Case 09-29123-mkn Doc 1358 En Case 09-29123-mkn Doc 1347 E	Intered 05/27/21 16:42:34 Page 7 of 10 Entered 05/24/21 16:02:46 Page 1 of 3				
1 2 3 4 5 6 7	LLC	RATION, successor to OCWEN LOAN SERVICING, ES BANKRUPTCY COURT				
ð	DISTRICT OF NEVADA					
9						
10		Case No. 09-29123-MKN				
	In Re:	Chapter 11				
11	MELANI SCHULTE and WILLIAM R. SCHULTE,	Jointly Administered with:				
		09-31585-MKN				
13	2704 SATTLEY LLC, HOT ENDEAVOR LLC,	09-27238-MKN 09-27909-MKN				
14	1341 MINUET LLC	09-27909-MKN 09-27910-MKN				
2 1	1708 PLATO PICO LLC,	09-27911-MKN				
15	2228 WARM WALNUT LLC,	09-27912-MKN				
1.0	9425 VALLEY HILLS LLC, 9500 ASPEN GLOW LLC,	09-27913-MKN				
16	5218 MISTY MORNING LLC,	09-27914-MKN 09-27916-MKN				
17	CHERISH LLC,	09-28513-MKN				
	SABRECO INC.,	09-31584-MKN				
18	KEEP SAFE LLC,	NOTICE OF ADDEAD AND AND				
19	Debtors.	NOTICE OF APPEARANCE AND REQUEST FOR CONTINUANCE OF PHH MORGTGAGE CORPORATION, successor				
20		to OCWEN LOAN SERVICING, LLC REGARDING DEBTORS' MOTION FOR				
21		CONTEMPT [DOC 1334]				
22		Date: May 26, 2021				
23		Time: 9:30 a.m. Judge: HON MIKE K. NAKAGAWA				
1						
24						

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TO THE CLERK OF THE COURT AND DEBTORS' COUNSEL:

PLEASE TAKE NOTICE that PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC ("PHH") hereby enters its appearance by and through its undersigned counsel retained on May 24, 2021 regarding Debtors' Motion for Contempt for Violation of the Automatic Stay and Discharge Injunction, Failing to Comply with Court Order and the Confirmed Plan and for Damages including Attorneys' Fees Against Creditors ("Motion").

Upon receipt and retention by PHH, the undersigned counsel on the same day sent an e-mail to and placed a telephone call with counsel for Debtors regarding the Motion dates. Accordingly, PHH respectfully requests the initial hearing presently scheduled for May 26, 2021 be continued to afford PHH sufficient time to review the 114 page Motion and prepare a response.

DATED: May 24, 2021

HOUSER LLP

Isl Jeffrey S. Allison
JEFFREY S. ALLISON, ESQ.
Nevada Bar No. 8949
9970 Research Drive
Irvine, CA 92618
Attorneys for PHH MORTGAGE
CORPORATION, successor to OCWEN LOAN
SERVICING, LLC

	Case 09-29123-mkn Doc 1358 Entered 05/27/21 16:42:34 Page 9 of 10 Case 09-29123-mkn Doc 1347 Entered 05/24/21 16:02:46 Page 3 of 3						
1	CERTIFICATE OF SERVICE						
2	I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and that on this date I caused to be served a true and correct copy of this NOTICE OF APPEARANCE AND REQUEST FOR CONTINUANCE OF PHH MORGTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC REGARDING DEBTORS' MOTION FOR CONTEMPT [DOC 1334] by:						
3							
4							
5	X ECF X U.S. Mail						
6	Facsimile transmission Overnight Mail Hand and/or Personal Delivery						
7							
8	and addressed to the following:						
9	CHRISTOPHER P. BURKE, ESQ 218 S. MARYLAND PKWY. U.S. TRUSTEE - LV - 11 300 LAS VEGAS BOULEVARD S.						
10	LAS VEGAS, NEVADA 89101 SUITE 4300						
11	TEL: (702) 385-7987 LAS VEGAS, NV 89101 USTPRegion 17.lv.ccf@usdoj.gov						
12	Attorney for Debtors						
13	EDDIE JIMENEZ, ESQ. ALDRIDGE PITE, L.L.P.						
14	7220 SOUTH CIMARRON RD, STE. 140						
15	LAS VEGAS, NEVADA 89113 TEL: (858) 750 7600						
16	FAX: (619) 590-1385 Mailing Address:						
17	4375 Jutland Dr., Ste 200 P.O. Box 17933						
18	San Diego, California 92177-0933						
19	Attorneys for SHELLPOINT MORTGAGE SERVICING						
20							
21	Dated: May 24, 2021						
22	An employee of HOUSER LLP						
23							

Case 09-29123-mkn Doc 1358 Entered 05/27/21 16:42:34 Page 10 of 10

1 CERTIFICATE OF SERVICE I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and 2 that on this date I caused to be served a true and correct copy of this DECLARATION OF JEFFREY S. ALLISON IN SUPPORT OF OPPOSITION OF PHH TO DEBTORS' MOTION 3 FOR CONTEMPT FOR VIOLATION OF THE AUTOMATIC STAY AND DISCHARGE INJUNCTION, FAILING TO COMPLY WITH A COURT ORDER AND THE 4 CONFIRMED PLAN AND FOR DAMAGES AGAINST CREDITORS [DOC 1334] by: 5 <u>X</u> **ECF** 6 X U.S. Mail Facsimile transmission 7 Overnight Mail Hand and/or Personal Delivery 8 and addressed to the following: 9 CHRISTOPHER P. BURKE, ESQ 10 218 S. MARYLAND PKWY. LAS VEGAS, NEVADA 89101 11 Tel: (702) 385-7987 atty@cburke.lvcoxmail.com 12 Attorney for Debtors 13 EDDIE JIMENEZ, ESO. ALDRIDGE PITE, L.L.P. 14 7220 SOUTH CIMARRON RD, STE. 140 LAS VEGAS, NEVADA 89113 15 Tel: (858) 750 7600 Fax: (619) 590-1385 16 Mailing Address: 4375 Jutland Dr., Ste 200 17 P.O. Box 17933 San Diego, California 92177-0933 18 Attorneys for SHELLPOINT MORTGAGE 19 SERVICING 20 U.S. TRUSTEE - LV - 11 300 LAS VEGAS BOULEVARD S. SUITE 4300 21 LAS VEGAS, NV 89101 USTPRegion17.lv.ecf@usdoj.gov 22 23 Dated: May 27, 2021

-4-

An employee of HOUSER LLP